

REMARKS

Specification

The specification is objected to because the MP3 standard does not necessitate wireless communication capabilities.

In response to this objection, Applicant has deleted reference to the MP3 standard in the specification and the claim accordingly. It is believed that the objection is now overcome.

Double patenting

Claims 1-19 are rejected on the ground of nonstatutory obviousness-type double patenting as being unpatentable over claims 1-19 of copending Application No. 10/829,913.

Applicant notes that all of claims 1-19 are still under rejection on grounds relating to s.102 and/or s.103. In these circumstances, applicant would like to delay filing of a terminal disclaimer until such time (if any) that Examiner indicates that any of claims 1-19 are allowable under s.102 and/or s.103. In this regard, Examiner's consent is respectfully requested.

Claim Rejections under 35 U.S.C. 112

1. Claims 1-20 are rejected under 35 U.S.C. 112, first paragraph, as failing to comply with the enablement requirement. In reference to claims 1, 8, 9, 11, 17, 18, and 20, analogical is defined as either relating to or based on analogy, or expressing or implying analogy. Analogical is not a term of art and is not enabled as according to definition of pertaining to an analogy.

Regarding the term "analogical," Applicant advises that "analogical" is defined in lines 1-4 of para. [0022] of the specification as originally filed. This definition has been amended, and reads: "When the

operating command is the memory operating command, the mechanical switch 620 transmits the memory operating command to the first analog switch 620, which enables the first analog switch 622 to drive the memory module 60." In the specification, "analogical switch" means "analog switch" controlled by commands, and therefore, Applicant replaces the term "analogical switch" with the term "analog switch," which is clear and definite to enable one skilled in the art to make and/or use the invention. The amendments find support in the specification as originally filed, and no new matter is introduced. In view of the above, removal of the rejection is requested.

2. Claims 1-20 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which Applicant regards as the invention. In reference to claims 1, 8, 9, 11, 17, 18, and 20, due to the rejection above under 35 U.S.C. 112, first paragraph the meets and bounds of the claims cannot be determined and are not in line with terminology of art.

Referring to claims 1, 8, 9, 11, 17, 18, and 20, according to the above response to the rejection under 35 U.S.C. 112, first paragraph, Applicant has replaced the term "analogical switch" with the term "analog switch" without introducing new matter. The amended claims 1, 8, 9, 11, 17, 18, and 20 are believed to be definite, and removal of this rejection is requested.

Claim Rejections under 35 U.S.C. 102

Claims 1-5, 7-14, and 16-20 are rejected under 35 U.S.C. 102(e) as being anticipated by Chang et al. (U.S. Pub. No. 2005/0083714).

In response:

With regard to claims 1-5, and 7-10:

Amended claim 1 recites "... a first USB module; a second USB module; and a switch module for switching between the first USB

module and the second USB module, the switch module comprising: a mechanical switch; a first analog switch for connecting with the first USB module; and a second analog switch for connecting with the second USB module; wherein the mechanical switch is controlled to communicate with the first analog switch or the second analog switch."

Examiner considers that Chang discloses a first USB module in para. [0016], that is the integrated circuit memory device 100 including the autorun firmware 130; a second USB module in para. [0031]; and a switch module for switching between the first USB module and the second USB module in FIG. 7. In fact, the switch module in FIG. 7 switches between the autorun functionality and the wireless component, that is between the autorun firmware 130 and the second USB module, which is different from the switch module of the present application for switching between the first USB module and the second USB module. The switch module that Chang discloses in FIG. 7 is not equivalent to the switch module of Claim 1.

Examiner further considers that Chang discloses the switch module further comprising a mechanical switch in FIG. 7, that is the physical slide switch 700; a first switch for connecting with the first USB module; and a second switch for connecting the second USB module; wherein the mechanical switch is for controlling switching between the first switch and the second switch in para. [0044]. In fact, the switch module in FIG. 7 only includes the physical slide switch 700, and fails to disclose the first analog switch for connecting the first USB module and the second analog switch for connecting the second USB module. Therefore, Chang further fails to disclose that the mechanical switch is controlled to communicate with the first analog switch or the second analog switch.

In summary, Applicants assert that the USB apparatus of the invention is different from that of Chang, and that claim 1 is novel over this reference. Thus, claim 1 is submitted to be patentable under 35

U.S.C. 102 over Chang.

Further, it is submitted that the above-described differences render claim 1 unobvious and patentable over Chang under 35 U.S.C. 103. In summary, applicant submits that neither Chang nor indeed any of the other cited references, alone or in combination, teaches, discloses, or otherwise suggests the invention as currently set forth in claim 1.

Accordingly, dependent claims 2-5, 7-10 should also be patentable under 35 U.S.C. 102 over Chang.

Regarding amended claim 7, Examiner considers that Chang discloses that the mechanical switch comprises a memory port, that is the port for element 630 in FIG 6; a wireless communication port, that is the port for the element 640&650 in FIG.6; and an interruption port, that is the upstream port in FIG. 6. In fact, when the USB hub 600 of FIG. 6 is operated, the upstream port and one of the memory port or the wireless communication port in FIG. 6 must be switched to simultaneously, which is different from the present invention, in which only one of the memory port, the wireless communication port, and the interruption port can be switched to at a time. Therefore, claim 7 should be patentable under 35 U.S.C. 102 over Chang, and claims 8-10 should also be patentable under 35 U.S.C. 102 over Chang as being dependent on claim 7.

With regard to claims 11-20:

Because Claims 11-20 are cancelled, the rejections to claims 11-20 do not exist any more.

With regard to new claims 21-26:

New claim 21 recites "...selecting an operating mode parameter for the USB apparatus, the operating mode parameters comprising a memory operating parameter, a wireless communication operating parameter, and an interruption mode parameter; switching a mechanical switch to a port

corresponding to the selected operating mode, and enabling an analog switch to drive a corresponding module connecting with the analog switch....”

Examiner considers that Chang discloses selecting an operating mode parameter for the USB apparatus, the operating mode parameters comprising a memory operating parameter in para. [0016], a wireless communication operating parameter in para. [0031], and an interruption mode parameter (auto run in para. [0017]). Applicant respectfully submits that Examiner has misinterpreted or misunderstood what is disclosed in para. [0016] and para. [0017]. In fact, in para. [0016], Chang discloses an integrated circuit memory device 100, and the integrated circuit memory device 100 may be in the form of a USB memory device. In para. [0017], Chang discloses that the integrated circuit memory device 100 includes a USB microcontroller 120 having autorun firmware 130; that is, the autorun firmware 130 runs in the memory operating mode. Therefore, Chang fails to disclose the interruption mode parameter, and thus, the method of claim 21 is different from and novel over that of Chang.

In addition, because Chang only discloses a physical slide switch 700, and fails to disclose analog switches, Chang fails to disclose “enabling an analog switch to drive a corresponding module connecting with the analog switch.” Therefore, the method of claim 21 is different from and novel over that of Chang.

In summary, new claim 21 is submitted to be novel and patentable under 35 U.S.C. 102 over Chang.

Further, it is submitted that the above-described differences render claim 21 unobvious and patentable over Chang under 35 U.S.C. 103. In summary, applicant submits that neither Chang nor indeed any of the other cited references, alone or in combination, teaches, discloses, or otherwise suggests the invention as currently set forth in claim 21.

Accordingly, dependent claims 22-26 should also be patentable under 35 U.S.C. 102 over Chang.

Claim Rejections under 35 U.S.C. 103

Claims 6 and 15 are rejected under 35 U.S.C. 103(a) as being unpatentable over Chang in view of Moores, JR. et al. (U.S. Pub. No. 2003/0043042).

In response:

With regard to claim 6:

According to Applicant's response to the rejections of claim 1, wherein claim 1 is patentable under 35 U.S.C. 102 over Chang, Applicant asserts claim 6 is also patentable under 35 U.S.C. 102 over Chang as being dependent on claim 1. Therefore, claim 6 is patentable over Chang in view of Moores, JR. et al.

With regard to claim 15:

Because claim 15 is cancelled, the rejection does not exist any more.

In view of the above amendments and remarks, the subject application is believed to be in a condition for allowance, and an action to such effect is earnestly solicited.

Respectfully submitted,

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